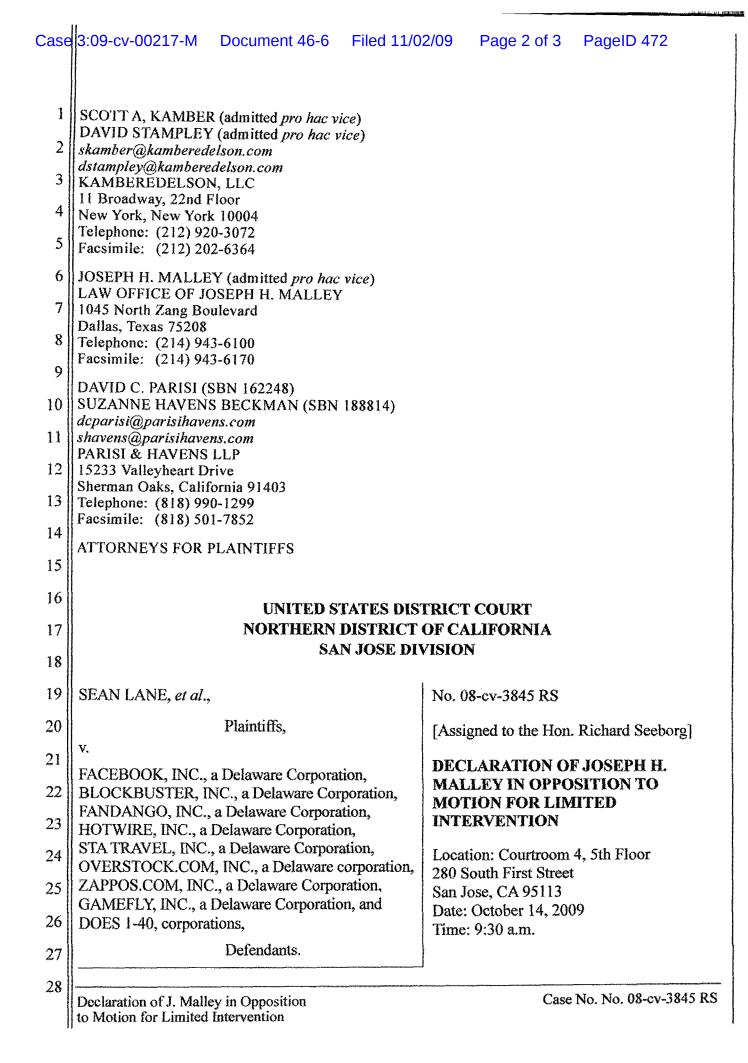
EXHIBIT 6



DECLARATION OF JOSEPH H. MALLEY

I, Joseph H. Malley, declare as follows:

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- 1. I am co-counsel for plaintiffs in the above-captioned litigation. I make this declaration in support of plaintiffs' Motion in Opposition to Proposed Intervenors' Motion for Limited Intervention. I have actively participated in all aspects of this litigation and am fully familiar with the proceedings. If called upon, I am competent to testify that the following facts are true and correct to the best of my knowledge, information, and belief.
- 2. I am familiar with Thomas Corea and The Corea Firm, P.L.L.C. and George A. Otstott and the firm of Otstott & Jamison, the two Dallas counsel and firms representing the Proposed Intervenors ("*Harris* Counsel"). I have worked with both firms as co-counsel in several cases both in the past, and continue to do so.
- 3. In June 2008, I had communications with *Harris* Counsel in which I indicated that I was working with a New York law firm on a case against Facebook, Blockbuster, Inc. and other companies regarding Facebook's Beacon program and that we anticipated filing a complaint within a month. I explained the background of the New York firm and how I believed they were uniquely situated to litigate this case successfully on behalf of the class.
- 4. In early September 2008, approximately one month after filing the instant action, I communicated to *Harris* Counsel that the instant action had been filed and was substantially broader than the *Harris* Counsel's action against Blockbuster, Inc.
- 5. Over the past year, I have had numerous communications with the *Harris* Counsel on various matters, including communications in which we have discussed the instant action and issues related to it.
- 6. I declare under penalty perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 8, 2009 at Dallas, Texas.

Joseph H. Malley

Case No. No. 08-cv-3845 RS